

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

EIGHTY-NINTH LEGISLATIVE DAY
FRIDAY, APRIL 10, 2009

Senate Chamber

President Little called the Senate to order at 8 a.m.

Roll call showed all members present except Senator Hill, absent and formally excused by the Chair; and Senators Cameron and Goedde, and Acting Senator Sagness, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Darcie Wonacott, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 9, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Acting Senator Sagness was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 10, 2009

The JUDICIARY AND RULES Committee reports that [S 1204](#), [S 1205](#), [S 1206](#), and [SCR 112](#) have been correctly printed.

DARRINGTON, Chairman

[S 1204](#) was referred to the State Affairs Committee.

[S 1205](#) and [S 1206](#) were referred to the Finance Committee.

[SCR 112](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

April 9, 2009

The JUDICIARY AND RULES Committee reports that [S 1096](#), [S 1129](#), [S 1151](#), [S 1170](#), [S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), and [SJR 101](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1096](#), [S 1129](#), [S 1151](#), [S 1170](#), [S 1171](#), [S 1172](#), [S 1173](#), [S 1174](#), and [SJR 101](#) and ordered them transmitted to the House for the signature of the Speaker.

April 9, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1004](#), as amended in the House, was delivered to the Office of the Governor at 2:05 p.m., April 9, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 9, 2009

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 281](#) with the recommendation that it do pass.

HILL, Chairman

[H 281](#) was filed for second reading.

April 10, 2009

The FINANCE Committee reports out [H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), [H 292](#), [H 293](#), [H 294](#), [H 295](#), [H 296](#), and [H 297](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 282](#), [H 283](#), [H 284](#), [H 290](#), [H 291](#), [H 292](#), [H 293](#), [H 294](#), [H 295](#), [H 296](#), and [H 297](#) were filed for second reading.

April 9, 2009

The EDUCATION Committee reports out [H 269](#) with the recommendation that it do pass.

GOEDDE, Chairman

[H 269](#) was filed for second reading.

April 9, 2009

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 258](#) with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, [H 258](#) was referred to the Fourteenth Order of Business, General Calendar.

April 10, 2009

Messages from the House

April 9, 2009

The FINANCE Committee reports out [S 1205](#) and [S 1206](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1205](#) and [S 1206](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

April 9, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1053](#), as amended, [S 1097](#), [S 1109](#), as amended, [S 1122](#), [S 1123](#), [S 1126](#), and [S 1134](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 9, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of the State the following Senate Bills, to wit:

[S 1098](#), as amended, [S 1111](#), and [S 1131](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Dear Mr. President:

I transmit herewith [H 298](#), which has passed the House.

ALEXANDER, Chief Clerk

[H 298](#) was filed for first reading.

April 9, 2009

Dear Mr. President:

I return herewith [SCR 105](#), [SCR 104](#), [SCR 106](#), [SCR 103](#), [SCR 109](#), [SCR 107](#), [SCR 108](#), [SCR 110](#), and [SJM 101](#), which have passed the House.

ALEXANDER, Chief Clerk

[SCR 105](#), [SCR 104](#), [SCR 106](#), [SCR 103](#), [SCR 109](#), [SCR 107](#), [SCR 108](#), [SCR 110](#), and [SJM 101](#) were referred to the Judiciary and Rules Committee for enrolling.

April 9, 2009

Dear Mr. President:

I transmit herewith Enrolled [HJM 4](#), [HCR 23](#), [H 255](#), [H 170](#), and [H 220](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [HJM 4](#), [HCR 23](#), [H 255](#), [H 170](#), and [H 220](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the House amendments to [S 1086](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1086](#), as amended in the House?"

On request by Senator Pearce, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1086](#), as amended in the House.

[S 1086](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The President announced that the House amendments to [S 1088](#), as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to [S 1088](#), as amended in the House?"

On request by Senator Heinrich, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to [S 1088](#), as amended in the House.

[S 1088](#), as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, the committee report of the Gubernatorial appointment confirmation of Donald J. Soltman was held on the Calendar.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 298](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[H 240](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

[H 264](#), by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 276](#), by Appropriations Committee, was read the second time at length and filed for third reading.

[S 1199](#), [S 1200](#), [S 1201](#), [S 1202](#), and [S 1203](#), by Finance Committee, were read the second time at length and filed for third reading.

[S 1110](#), as amended in the House, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1121](#), as amended in the House, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Cameron and Goedde were recorded present at this order of business.

[S 1192](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Hill, McKenzie, Thorson (Stennett). Total - 3.

Total - 35.

Whereupon the President declared [S 1192](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1193](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Hill, McKenzie, Thorson (Stennett). Total - 3.

Total - 35.

Whereupon the President declared [S 1193](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1194](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 32.

NAYS—None.

Absent and excused—Hill, McKenzie, Thorson (Stennett). Total - 3.

Total - 35.

Whereupon the President declared [S 1194](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1195](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer,

Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 32.

NAYS--None.

Absent and excused--Hill, McKenzie, Thorson (Stennett).
Total - 3.

Total - 35.

Whereupon the President declared [S 1195](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1197](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 32.

NAYS--None.

Absent and excused--Hill, McKenzie, Thorson (Stennett).
Total - 3.

Total - 35.

Whereupon the President declared [S 1197](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1198](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 32.

NAYS--None.

Absent and excused--Hill, McKenzie, Thorson (Stennett).
Total - 3.

Total - 35.

Whereupon the President declared [S 1198](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 146](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration.

Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, [H 146](#), as amended, retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, **H146**, as amended, was placed at the head of the Third Reading Calendar, followed by all Senate bills, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Education Committee report, having been held, relative to the Gubernatorial appointment of Donald J. Soltman was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Kelly, the Gubernatorial appointment of Donald J. Soltman as a member of the State Board of Education was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 9 a.m. until the hour of 9:30 a.m., Monday, April 13, 2009.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary